

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL CASE NO. 3:08cr202**

**UNITED STATES OF AMERICA,**

**vs.**

**MICHAEL MANDEL TRENT.**  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion for Issuance of Subpoenas at Government's Expense [Doc. 37], filed on May 20, 2009.

The Defendant moves the Court, pursuant to Rule 17 of the Federal Rules of Criminal Procedure, for the issuance of a subpoena to a trial witness, Marsh Evans. For grounds, the Defendant states, albeit in a conclusory fashion, that this witness is necessary for his defense at trial and that due to his indigency, he is unable to pay the costs associated with the issuance of the subpoena. [Doc. 37].

The decision to grant or deny a request for subpoenas under Rule 17(b) "lies within the sound discretion of the court." See United States v.

Espinoza, 641 F.2d 153, 159 (4th Cir. 1981). In making such a request, the Defendant must show “the necessity of the witness’s presence for an adequate defense.” Fed. R. Crim. P. 17(b). Although the Defendant has made only the most conclusory allegations in support of his request regarding the necessity of this particular witness, the Court, in its discretion, will grant his motion.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant’s Motion for Issuance of Subpoenas at Government’s Expense [Doc. 37] is **GRANTED**.

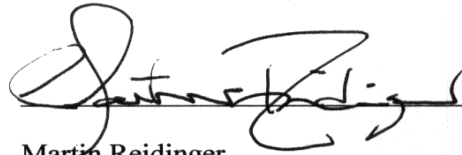
**IT IS FURTHER ORDERED** that the Clerk of Court is directed to issue the Subpoena attached to the Defendant’s Motion [Doc. 37-2] to Marsh Evans, PID #165775, Mecklenburg County Jail, 801 E. 4th Street, Charlotte, North Carolina 28202.

**IT IS FURTHER ORDERED** that the United States Marshal is directed to serve said Subpoena and that the costs incurred by the service of process and the witness fee shall be borne by the Government.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to certify copies of this Order to defense counsel, the United States Attorney, and the United States Marshal.

**IT IS SO ORDERED.**

Signed: May 20, 2009

  
Martin Reidinger  
United States District Judge

